

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2010-003878

09/04/2012

HON. RANDALL H. WARNER

CLERK OF THE COURT  
K. Ballard  
Deputy

GENOVEVA JOHNSON, et al.

CHARLES M BREWER

v.

PHOENIX CHILDRENS HOSPITAL INC, et al.

GINAMARIE SLATTERY

JOHN AGUIRRE  
EDWARD M LADLEY  
KENNETH L FIELDS

STATUS CONFERENCE

**Courtroom: ECB-512**

8:47 a.m. This is the time set for status conference to discuss Defendant Phoenix Children's Hospital's August 31, 2012 Motion to Enforce the Court's Order and Request for Sanctions. Plaintiffs Genoveva Johnson, Quincy Johnson, and Madalyne Johnson are represented (telephonically) by Co-Counsel John Aguirre and Arthur G. Newman, Jr. Defendant Phoenix Children's Hospital, Inc. is represented (telephonically) by Counsel GinaMarie Slattery. Defendants Stuart Roger Lacey, Krystal Ann Lacey, and Saguaro Children's Surgery, Ltd. (dba Pediatric Surgeons of Phoenix) are represented (telephonically) by Counsel Edward M. Ladley.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

The court advises counsel that the Motion to Enforce will be discussed today but that the court does not intend to rule on same as the time for response has not yet run.

The status of discovery and the Motion to Enforce are discussed.

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8:53 a.m. Retired Judge, and Special Master in this matter, Kenneth Fields is now present (telephonically).

The Motion to Enforce is discussed further. In that regard, the court is advised that a response to the Motion was filed on Friday.

**IT IS ORDERED** taking this matter under advisement as the response filed on August 31, 2012 is not yet available to the court for review. Once the court has reviewed the response, the court will rule on the payment of fee issue.

With regard to the discovery deadline, if counsel believe the deadline needs to be extended, counsel shall file an appropriate motion or stipulation regarding the same.

9:03 a.m. Matter concludes.

**Later:**

Before the court is Phoenix Children's Hospital's Motion to Enforce the Court's Order and Request for Sanctions to be Awarded to Phoenix Children's Hospital. Having now received the response, the court rules as follows:

The June 12, 2012 Order Appointing Special Master is clear: Plaintiffs must pay the Special Master's \$5,000 retainer. That obligation is not conditioned on there being a discovery dispute that one party or the other thinks is worthy of involving the Special Master. The court will therefore order that the retainer be paid.

However, because the order does not specify a date by which the payment must be made, it would be inappropriate to sanction Plaintiffs for failing to make the payment by any specific date.

**IT IS ORDERED** that Plaintiffs shall pay the Special Master's \$5,000 retainer by **5:00 p.m. on Tuesday, September 11, 2012.**

**IT IS FURTHER ORDERED** denying sanctions.

**ALERT:** The Arizona Supreme Court Administrative Order 2011-140 directs the Clerk's Office not to accept paper filings from attorneys in civil cases. Civil cases must still be initiated on paper; however, subsequent documents must be eFiled through AZTurboCourt unless an exception defined in the Administrative Order applies.

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